

EXHIBIT C

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EUGENE SCALIA, Secretary of Labor, United States :
Department of Labor, :

Plaintiff, :

v. :

AGAVE ELMWOOD INC. d/b/a AGAVE MEXICAN :
RESTAURANT; DON TEQUILA DOS, INC. d/b/a EL :
AGAVE MEXICAN RESTAURANT; DON :
TEQUILA, INC. d/b/a DON TEQUILA MEXICAN :
RESTAURANT; DON TEQUILA 73, INC. d/b/a DON :
TEQUILA MEXICAN RESTAURANT, as successor to :
DON TEQUILA, INC.; MIS REINAS FOODS, INC. :
d/b/a LA DIVINA MEXICAN STORE; SERGIO :
MUCINO, individually; and JOSE MANUEL :
SANCHEZ-OCAMPO, individually, :

Defendants. :

No. 17-CV-605-EAW-HBS

To: Counsel for Defendant Mucino and the Corporate Defendants
Jacob A. Piorkowski
The Tarantino Law Firm, LLP
jpiorkowski@tarantinolaw.com

FOURTH AMENDED NOTICE OF DEPOSITION OF SERGIO MUCINO

PLEASE TAKE NOTICE that commencing on **July 29, 2020**, at 9:30 a.m. EST and continuing thereafter until completed, Plaintiff Eugene Scalia, Secretary of Labor, will take the deposition upon oral examination of defendant **SERGIO MUCINO**, pursuant to Rule 30 of the Federal Rules of Civil Procedure. As stipulated by the parties, this deposition will be taken remotely by videoconference and/or telephone and by stenographic means. As further stipulated by the parties, the deposition of the witness, who is located in Mexico, will be taken remotely before an officer located in the United States and authorized to administer oaths by federal law, and such officer will administer the oath remotely by telephone and/or videoconference to the witness in Mexico. You are invited to attend and cross-examine.

DATED: July 9, 2020
New York, New York

KATE S. O'SCANNLAIN
Solicitor of Labor

JEFFREY S. ROGOFF
Regional Solicitor

/s Amy Tai
AMY TAI (AT0366)
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*Attorneys for Plaintiff Secretary of Labor
Eugene Scalia*

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2020, I served the foregoing Fourth Amended Notice of Deposition of Sergio Mucino by e-mail to the attorney of record for defendants Mucino, Agave Elmwood, Inc., Don Tequila Dos, Inc., Don Tequila, Inc., Don Tequila 73, Inc., and Mis Reinas Foods, Inc.:

Jacob A. Piorkowski
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/s/ Amy Tai
AMY TAI, Esq.
Senior Trial Attorney
Office of the Solicitor
U.S. Department of Labor

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TEQUILA, INC. d/b/a DON TEQUILA MEXICAN :
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MUCINO, individually; and JOSE MANUEL :
SANCHEZ-OCAMPO, individually, :

Defendants. :

No. 17-CV-605-EAW-HBS

To: Counsel for Defendant Mucino and the Corporate Defendants
Jacob A. Piorkowski
The Tarantino Law Firm, LLP
jpiorkowski@tarantinolaw.com

FOURTH AMENDED NOTICE OF DEPOSITION OF DON TEQUILA, INC.

PLEASE TAKE NOTICE that commencing on **July 30, 2020**, at 9:30 a.m. EST and continuing thereafter until completed, Plaintiff Eugene Scalia, Secretary of Labor, will take the deposition upon oral examination of defendant **Don Tequila, Inc. d/b/a Don Tequila Mexican Restaurant (“Don Tequila”)**, through its officers and employees, upon oral examination pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure. As stipulated by the parties, this deposition will be taken remotely by videoconference and/or telephone and by stenographic means. As further stipulated by the parties, the deposition of any witnesses located in Mexico will be taken remotely before an officer located in the United States and authorized to administer oaths

by federal law, and such officer will administer the oath remotely by telephone and/or videoconference to the witness in Mexico. You are invited to attend and cross-examine.

Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, defendant Don Tequila is required and under a duty to designate an officer, director, managing agent or other person(s) to testify on its behalf regarding the following matters:

1. Don Tequila's business operations from June 30, 2014 through October 2016 (the "relevant time period").
2. Don Tequila's managerial structure during the relevant time period.
3. The work schedules and hours worked by Don Tequila's employees during the relevant time period.
4. Compensation paid to Don Tequila's employees during the relevant time period.
5. Policies and procedures relating to gratuities at Don Tequila.
6. The identities and job duties of Don Tequila's employees during the relevant time period.
7. Don Tequila's policies and practices with respect to recordkeeping, including recording hours worked and compensation paid to employees, during the relevant time period.
8. Don Tequila's knowledge of the requirements of the Fair Labor Standards Act.
9. Don Tequila's affirmative defenses in this matter.
10. Such other matters that may require inquiry as a result of exploration of specifications 1 through 9 above.

DATED: July 9, 2020
New York, New York

KATE S. O'SCANNLAIN
Solicitor of Labor

JEFFREY S. ROGOFF
Regional Solicitor

/s Amy Tai
AMY TAI (AT0366)
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*Attorneys for Plaintiff Secretary of Labor
Eugene Scalia*

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2020, I served the foregoing Fourth Amended Notice of Deposition of Don Tequila, Inc. by e-mail to the attorney of record for defendants Mucino, Agave Elmwood, Inc., Don Tequila Dos, Inc., Don Tequila, Inc., Don Tequila 73, Inc., and Mis Reinas Foods, Inc.:

Jacob A. Piorkowski
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/s/ Amy Tai
AMY TAI, Esq.
Senior Trial Attorney
Office of the Solicitor
U.S. Department of Labor

UNITED STATES DISTRICT COURT
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v. :

AGAVE ELMWOOD INC. d/b/a AGAVE MEXICAN :
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AGAVE MEXICAN RESTAURANT; DON :
TEQUILA, INC. d/b/a DON TEQUILA MEXICAN :
RESTAURANT; DON TEQUILA 73, INC. d/b/a DON :
TEQUILA MEXICAN RESTAURANT, as successor to :
DON TEQUILA, INC.; MIS REINAS FOODS, INC. :
d/b/a LA DIVINA MEXICAN STORE; SERGIO :
MUCINO, individually; and JOSE MANUEL :
SANCHEZ-OCAMPO, individually, :

Defendants. :

No. 17-CV-605-EAW-HBS

To: Counsel for Defendant Mucino and the Corporate Defendants
Jacob A. Piorkowski
The Tarantino Law Firm, LLP
jpiorkowski@tarantinolaw.com

FOURTH AMENDED NOTICE OF DEPOSITION OF DON TEQUILA DOS, INC.

PLEASE TAKE NOTICE that commencing on **July 30, 2020**, at 12:00 p.m. EST and continuing thereafter until completed, Plaintiff Eugene Scalia, Secretary of Labor, will take the deposition upon oral examination of defendant **Don Tequila Dos, Inc. d/b/a El Agave Mexican Restaurant (“El Agave”)**, through its officers and employees, upon oral examination pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure. As stipulated by the parties, this deposition will be taken remotely by videoconference and/or telephone and by stenographic means. As further stipulated by the parties, the deposition of any witnesses located in Mexico will be taken remotely before an officer located in the United States and authorized to administer oaths by

federal law, and such officer will administer the oath remotely by telephone and/or videoconference to the witness in Mexico. You are invited to attend and cross-examine.

Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, defendant El Agave is required and under a duty to designate an officer, director, managing agent or other person(s) to testify on its behalf regarding the following matters:

1. El Agave's business operations from June 30, 2014 through October 2016 (the "relevant time period").
2. El Agave's managerial structure during the relevant time period.
3. The work schedules and hours worked by El Agave's employees during the relevant time period.
4. Compensation paid to El Agave's employees during the relevant time period.
5. Policies and procedures relating to gratuities at El Agave.
6. The identities and job duties of El Agave's employees during the relevant time period.
7. El Agave's policies and practices with respect to recordkeeping, including recording hours worked and compensation paid to employees, during the relevant time period.
8. El Agave's knowledge of the requirements of the Fair Labor Standards Act.
9. El Agave's affirmative defenses in this matter.
10. Such other matters that may require inquiry as a result of exploration of specifications 1 through 9 above.

DATED: July 9, 2020
New York, New York

KATE S. O'SCANNLAIN
Solicitor of Labor

JEFFREY S. ROGOFF
Regional Solicitor

/s Amy Tai
AMY TAI (AT0366)
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*Attorneys for Plaintiff Secretary of Labor
Eugene Scalia*

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2020, I served the foregoing Fourth Amended Notice of Deposition of Don Tequila Dos, Inc. by e-mail to the attorney of record for defendants Mucino, Agave Elmwood, Inc., Don Tequila Dos, Inc., Don Tequila, Inc., Don Tequila 73, Inc., and Mis Reinas Foods, Inc.:

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/s/ Amy Tai
AMY TAI, Esq.
Senior Trial Attorney
Office of the Solicitor
U.S. Department of Labor

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AGAVE MEXICAN RESTAURANT; DON :
TEQUILA, INC. d/b/a DON TEQUILA MEXICAN :
RESTAURANT; DON TEQUILA 73, INC. d/b/a DON :
TEQUILA MEXICAN RESTAURANT, as successor to :
DON TEQUILA, INC.; MIS REINAS FOODS, INC. :
d/b/a LA DIVINA MEXICAN STORE; SERGIO :
MUCINO, individually; and JOSE MANUEL :
SANCHEZ-OCAMPO, individually, :

Defendants. :

No. 17-CV-605-EAW-HBS

To: Counsel for Defendant Mucino and the Corporate Defendants
Jacob A. Piorkowski
The Tarantino Law Firm, LLP
jpiorkowski@tarantinolaw.com

FOURTH AMENDED NOTICE OF DEPOSITION OF AGAVE ELMWOOD, INC.

PLEASE TAKE NOTICE that commencing on **July 30, 2020**, at 2:30 p.m. EST and continuing thereafter until completed, Plaintiff Eugene Scalia, Secretary of Labor, will take the deposition upon oral examination of defendant **Agave Elmwood, Inc. d/b/a Agave Mexican Restaurant ("Agave Elmwood")**, through its officers and employees, upon oral examination pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure. As stipulated by the parties, this deposition will be taken remotely by videoconference and/or telephone and by stenographic means. As further stipulated by the parties, the deposition of any witnesses located in Mexico will be taken remotely before an officer located in the United States and authorized to administer oaths

by federal law, and such officer will administer the oath remotely by telephone and/or videoconference to the witness in Mexico. You are invited to attend and cross-examine.

Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, defendant Agave Elmwood is required and under a duty to designate an officer, director, managing agent or other person(s) to testify on its behalf regarding the following matters:

1. Agave Elmwood's business operations from June 30, 2014 through October 2016 (the "relevant time period").
2. Agave Elmwood's managerial structure during the relevant time period.
3. The work schedules and hours worked by Agave Elmwood's employees during the relevant time period.
4. Compensation paid to Agave Elmwood's employees during the relevant time period.
5. Policies and procedures relating to gratuities at Agave Elmwood.
6. The identities and job duties of Agave Elmwood's employees during the relevant time period.
7. Agave Elmwood's policies and practices with respect to recordkeeping, including recording hours worked and compensation paid to employees, during the relevant time period.
8. Agave Elmwood's knowledge of the requirements of the Fair Labor Standards Act.
9. Agave Elmwood's affirmative defenses in this matter.
10. Such other matters that may require inquiry as a result of exploration of specifications 1 through 9 above.

DATED: July 9, 2020
New York, New York

KATE S. O'SCANNLAIN
Solicitor of Labor

JEFFREY S. ROGOFF
Regional Solicitor

/s Amy Tai
AMY TAI (AT0366)
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*Attorneys for Plaintiff Secretary of Labor
Eugene Scalia*

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2020, I served the foregoing Fourth Amended Notice of Deposition of Agave Elmwood, Inc. by e-mail to the attorney of record for defendants Mucino, Agave Elmwood, Inc., Don Tequila Dos, Inc., Don Tequila, Inc., Don Tequila 73, Inc., and Mis Reinas Foods, Inc.:

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/s/ Amy Tai
AMY TAI, Esq.
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Office of the Solicitor
U.S. Department of Labor

UNITED STATES DISTRICT COURT
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TEQUILA, INC. d/b/a DON TEQUILA MEXICAN :
RESTAURANT; DON TEQUILA 73, INC. d/b/a DON :
TEQUILA MEXICAN RESTAURANT, as successor to :
DON TEQUILA, INC.; MIS REINAS FOODS, INC. :
d/b/a LA DIVINA MEXICAN STORE; SERGIO :
MUCINO, individually; and JOSE MANUEL :
SANCHEZ-OCAMPO, individually, :

Defendants. :

No. 17-CV-605-EAW-HBS

To: Counsel for Defendant Mucino and the Corporate Defendants
Jacob A. Piorkowski
The Tarantino Law Firm, LLP
jpiorkowski@tarantinolaw.com

FOURTH AMENDED NOTICE OF DEPOSITION OF MIS REINAS FOODS, INC.

PLEASE TAKE NOTICE that commencing on **July 30, 2020**, at 4:30 p.m. EST and continuing thereafter until completed, Plaintiff Eugene Scalia, Secretary of Labor, will take the deposition upon oral examination of defendant **Mis Reinas Foods, Inc. d/b/a La Divina Mexican Store (“La Divina”)**, through its officers and employees, upon oral examination pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure. As stipulated by the parties, this deposition will be taken remotely by videoconference and/or telephone and by stenographic means. As further stipulated by the parties, the deposition of any witnesses located in Mexico will be taken remotely before an officer located in the United States and authorized to administer oaths by federal law,

and such officer will administer the oath remotely by telephone and/or videoconference to the witness in Mexico. You are invited to attend and cross-examine.

Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, defendant La Divina is required and under a duty to designate an officer, director, managing agent or other person(s) to testify on its behalf regarding the following matters:

1. La Divina's business operations from June 30, 2014 through October 2016 (the "relevant time period").
2. La Divina's managerial structure during the relevant time period.
3. The work schedules and hours worked by La Divina's employees during the relevant time period.
4. Compensation paid to La Divina's employees during the relevant time period.
5. Policies and procedures relating to gratuities at La Divina.
6. The identities and job duties of La Divina's employees during the relevant time period.
7. La Divina's policies and practices with respect to recordkeeping, including recording hours worked and compensation paid to employees, during the relevant time period.
8. La Divina's knowledge of the requirements of the Fair Labor Standards Act.
9. La Divina's affirmative defenses in this matter.
10. Such other matters that may require inquiry as a result of exploration of specifications 1 through 9 above.

DATED: July 9, 2020
New York, New York

KATE S. O'SCANNLAIN
Solicitor of Labor

JEFFREY S. ROGOFF
Regional Solicitor

/s Amy Tai
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*Attorneys for Plaintiff Secretary of Labor
Eugene Scalia*

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2020, I served the foregoing Fourth Amended Notice of Deposition of Mis Reinas Foods, Inc. by e-mail to the attorney of record for defendants Mucino, Agave Elmwood, Inc., Don Tequila Dos, Inc., Don Tequila, Inc., Don Tequila 73, Inc., and Mis Reinas Foods, Inc.:

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/s/ Amy Tai
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U.S. Department of Labor